

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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JAN PRESTOPNIK,

Plaintiff,

-vs-

5:03-CV-668

JOHN WHELAN, et al.

Defendants.  
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DAVID N. HURD  
United States District Judge

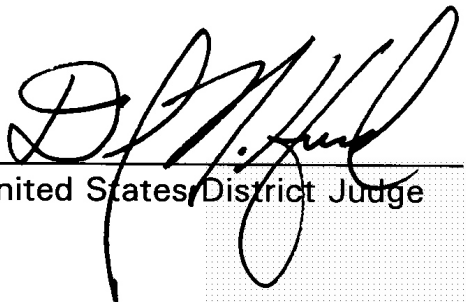
**ORDER**

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on June 2, 2006, in a video conference between Utica, New York, and Albany, New York, it is hereby

ORDERED that defendants' motion for summary judgment is GRANTED and the complaint is DISMISSED in its entirety

The Clerk of the Court is directed to enter judgment accordingly.

IT IS SO ORDERED.

  
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United States District Judge

Dated: June 2, 2006  
Utica, New York.